

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X **Docket#**  
UNITED STATES OF AMERICA, : 15-cr-348 (ERK) (VMS)  
: :  
- versus - : U.S. Courthouse  
: Brooklyn, NY  
RENDON-GARCIA, :  
Defendant : April 20, 2017  
-----X

TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING  
BEFORE THE HONORABLE VERA M. SCANLON  
UNITED STATES MAGISTRATE JUDGE

**A P P E A R A N C E S:**

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1 THE CLERK: Criminal Cause for hearing, docket:  
2 15-cr-348 United States of America v. Rendon-Reyes.

3 Spanish Interpreter, can you state your name  
4 for the record.

5 MS. TRIANA: Patricia Triana.

6 THE CLERK: Thank you.

7 MS. TRIANA: T-R-I-A-N-A.

8 THE CLERK: Thank you.

9 Counsel, can you state your name for the  
10 record.

11 MS. MERKL: Taryn Merkl and Maggie Lee, for the  
12 United States. Good afternoon, your Honor.

13 THE COURT: Good afternoon.

14 MR. VILLANUEVA: Gary Villanueva for Mr.  
15 Rendon-Garcia. Good afternoon, your Honor.

16 THE COURT: Good afternoon.

17 All right. So except for the part where the  
18 defendant takes an oath everyone can stay seated during  
19 the plea.

20 Okay. All right.

21 All right. So Good afternoon. My name's Vera  
22 Scanlon, I'm a magistrate judge here.

23 We're here for the change of plea hearing so  
24 let me first make sure I have the same papers that  
25 everyone has. I have a copy of the superseding

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1 indictment, I have a copy of the plea agreement, which  
2 has been marked as Government Exhibit 8. I have a copy  
3 of the consent to proceed before me, which we'll go over  
4 in a minute in some more detail. And I also have from  
5 the government a description of the applicable statutes  
6 and essential elements.

7 So does everybody have those papers?

8 MS. MERKL: Yes, your Honor.

9 MR. VILLANUEVA: Yes, I do, your Honor.

10 THE COURT: All right. For the government, are  
11 there any victims of the offense and if so, has the  
12 government fulfilled its obligation to notify them of  
13 today's hearing and of their right to attend and be  
14 heard?

15 MS. TRIANA: Um, your Honor, may the  
16 interpreter have respect for the request that your Honor  
17 speak a little slower?

18 THE COURT: All right. I'm going to try again.

19 All right. For the government, are there any  
20 victims of the offense and if so, has the government  
21 fulfilled its obligation to notify them of today's  
22 hearing and of their right to attend and be heard?

23 MS. LEE: Yes, your Honor. The government has  
24 made such notifications and the victims are planning to  
25 participate in the sentencing proceedings as to some of

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1 the defendants in this case, but are not planning to  
2 participate in the plea proceedings.

3 THE COURT: All right. Mr. Rendon-Garcia, I'm  
4 going to ask my deputy to administer an oath to you.

5 THE CLERK: I'm sorry your Honor, I don't think  
6 that was translated.

7 THE COURT: Oh, sorry. I wasn't looking up.  
8 Let's try it again.

9 MS. LEE: Your Honor, just to reiterate, the  
10 government has made notification to the victims in this  
11 case, and we have been advised by their representatives  
12 that they do not plan to participate in the plea  
13 proceedings in this case, although some of them plan to  
14 participate in the sentencing proceedings as to certain  
15 defendants.

16 THE COURT: All right. Thank you.

17 All right. At this point, I'm going to ask my  
18 deputy, Ms. Quinlan, to administer an oath to the  
19 defendant.

20 J O S E R E N D O N - G A R C I A, called as a witness,  
21 having been first duly sworn testifies as follows:

22 THE COURT: All right. Mr. Rendon-Garcia, as  
23 you may know, this case has been assigned to a district  
24 judge, Judge Korman. Judge Korman is the judge who will  
25 make the ultimate decision as to whether to accept your

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1 guilty plea and if he does to sentence you. You have the  
2 absolute right to have the district judge listen to your  
3 plea without any prejudice to you. Do you understand?

4 THE DEFENDANT: Yes.

5 THE COURT: So what's been proposed is that you  
6 proceed here before me with regard to your plea. We're  
7 making a recording of today's proceedings. A transcript  
8 of that recording will be prepared by a court reporter  
9 and it will be provided to the district judge. The  
10 district judge, Judge Korman will review the transcript  
11 of today's proceeding in connection with deciding whether  
12 to accept your plea and if he does, with your sentence.

13 Do you wish to give up your right to have the  
14 district judge listen to your plea and instead proceed  
15 here before me today?

16 THE DEFENDANT: Yes.

17 THE COURT: All right. In connection with your  
18 exercise of that waiver, I have this form which I'm  
19 holding up, "Consent to have a Plea taken Before United  
20 States Magistrate Judge, Vera M. Scanlon."

21 This form is in English. Was it translated for  
22 you from English to Spanish?

23 THE DEFENDANT: Yes.

24 THE COURT: All right. Do you understand the  
25 form?

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1 THE DEFENDANT: Yes.

2 THE COURT: Are you in agreement with the form?

3 THE DEFENDANT: Yes.

4 THE COURT: And did you have a sufficient  
5 opportunity to review the form with your attorney?

6 THE DEFENDANT: Yes.

7 THE COURT: I'm going to ask about a few  
8 signatures. If you can see if from over there, I'm  
9 pointing to the first signature on the page, is that your  
10 signature?

11 THE DEFENDANT: Yes.

12 THE COURT: Mr. Villanueva, is that your  
13 signature below?

14 MR. VILLANUEVA: Yes, it is, your Honor.

15 THE COURT: And for the government, Ms. Merkl,  
16 is that your signature here?

17 MS. MERKL: It is, your Honor.

18 THE COURT: Thank you. All right. I'm sorry.  
19 I've been referring to Mr. -- the defendant as Rendon-  
20 Garcia that one form says Rendon-Reyes. What's the  
21 correct name?

22 MS. LEE: Your Honor, it is Rendon-Garcia. I'm  
23 not sure which form says "Rendon-Reyes."

24 THE COURT: It's the -- this one. Hold on.

25 Krista, can you just mark this? His name is

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1 correct, it's supposed to be Rendon-Garcia. And then ask  
2 them -- everyone can initial the change.

3 THE COURT: All right, while she's preparing  
4 that form, Mr. Rendon-Garcia, do you give your consent  
5 voluntarily of your own free will to proceed here before  
6 me today?

7 THE COURT: All right. What's your answer to  
8 that question?

9 THE DEFENDANT: Yes.

10 THE COURT: All right. Just for the record,  
11 let me ask, Mr. Villanueva, and did you and your client  
12 initial the change in his name at the top of the form at  
13 the caption?

14 MR. VILLANUEVA: We did, your Honor.

15 THE COURT: All right. And his name now,  
16 correct, it should be Rendon-Garcia? Is that right?

17 MR. VILLANUEVA: That's correct, your Honor.

18 THE COURT: And for the government, Ms. Merkl,  
19 did you just initial that change on the consent form?

20 MS. MERKL: I did.

21 THE COURT: Thank you.

22 All right. Mr. Rendon-Garcia, do you give your  
23 consent to proceed before here before today voluntarily  
24 and of your own free will?

25 THE DEFENDANT: Yes.

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1 THE COURT: Has anyone made any threats or  
2 promises to you to get you to proceed here before me?

3 THE DEFENDANT: No.

4 THE COURT: All right. So as we go along  
5 today, Mr. Rendon-Garcia, I'm going to have to ask you a  
6 number of questions in order to assure myself that your  
7 plea is, in fact, a valid plea. If you don't understand  
8 any of my questions or what I say, please either ask your  
9 attorney or let me know and I will try to clarify what I  
10 said.

11 So do you understand that you have the right to  
12 be represented by an attorney at trial and at every other  
13 stage of the criminal proceedings, including this one?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you understand that if you can't  
16 afford a lawyer, the court may appoint one for you?

17 THE DEFENDANT: Yes.

18 THE COURT: Mr. Villanueva, are you retained  
19 counsel or appointed counsel?

20 MR. VILLANUEVA: Appointed, your Honor.

21 THE COURT: All right. Mr. Rendon-Garcia, if  
22 at any point you'd like to speak with Mr. Villanueva,  
23 please let me know and I'll let you do so. Do you  
24 understand?

25 THE DEFENDANT: Can you say what you just said?



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1 THE COURT: Okay. So my understanding is that  
2 the man sitting next to you is your lawyer. Is that  
3 correct?

4 THE DEFENDANT: Yes.

5 THE COURT: If at any time today you would like  
6 to speak with him, just let me know and I'll let you do  
7 that. Do you understand?

8 THE DEFENDANT: Yes.

9 THE COURT: I'm just going to remind you that  
10 you just took an oath to tell the truth. So what that  
11 means is if you answer any of my questions falsely, your  
12 answers may later be used against you in a separate  
13 prosecution for the crime of perjury or of making a false  
14 statement. Do you understand?

15 THE DEFENDANT: Yes.

16 THE COURT: All right. We're going to start  
17 with some background questions.

18 What's your full name?

19 THE DEFENDANT: Jose Rendon-Garcia.

20 THE COURT: How old are you?

21 THE DEFENDANT: Thirty-four.

22 THE COURT: What's the highest level of  
23 education that you've completed?

24 THE DEFENDANT: Second year of high school.

25 THE COURT: And how old were you when you

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1 finished the second year of high school?

2 THE DEFENDANT: Between 12 and 13.

3 THE COURT: And where did you go to school?

4 THE DEFENDANT: San Miguel El Encino in  
5 Tlaxcala, Mexico,

6 THE COURT: And what was the name of the  
7 school?

8 THE DEFENDANT: Hyman Torres Bove (sic)

9 THE COURT: Okay. And since then, since you  
10 are about 12 or 13, have you had any formal education?

11 THE DEFENDANT: No.

12 THE COURT: All right. I'm going to ask you a  
13 different set questions.

14 Are you presently or have you recently been  
15 under the care of a doctor?

16 THE DEFENDANT: No.

17 THE COURT: Are you presently or have you  
18 recently been under the care of any mental health  
19 professional, such as a doctor, I'm sorry, such as a  
20 psychiatrist, psychologist or social worker?

21 THE DEFENDANT: No.

22 THE COURT: Have you ever been hospitalized or  
23 treated for a mental illness?

24 THE DEFENDANT: No.

25 THE COURT: Have you ever been hospitalized or

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1 treated for an addiction to drugs or alcohol?

2 THE DEFENDANT: Here?

3 THE COURT: Anywhere. Any time in your life.

4 THE DEFENDANT: No.

5 THE COURT: In the past 24 hours have you  
6 consumed any narcotics?

7 THE DEFENDANT: No.

8 THE COURT: In the past 24 hours have you  
9 consumed any alcohol?

10 THE DEFENDANT: No.

11 THE COURT: In the past 24 hours have you taken  
12 any medications?

13 THE DEFENDANT: No.

14 THE COURT: Is your mind clear as you sit here  
15 today?

16 THE DEFENDANT: Yes.

17 THE COURT: Do you understand these  
18 proceedings?

19 THE DEFENDANT: Yes.

20 THE COURT: All right.

21 Mr. Villanueva, have you discussed this matter  
22 with your client?

23 MR. VILLANUEVA: Yes, I have.

24 THE COURT: Do you speak Spanish?

25 MR. VILLANUEVA: Just a little, your Honor.

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1 THE COURT: All right. So --

2 MR. VILLANUEVA: But I did so through an  
3 interpreter.

4 THE COURT: So let me just ask that. In all of  
5 your communications with your client did you have the  
6 assistance of a Spanish language interpreter?

7 MR. VILLANUEVA: Yes, I have.

8 THE COURT: And did you have any difficulty  
9 with your communications with your client?

10 MR. VILLANUEVA: None, whatsoever.

11 THE COURT: In your opinion, is Mr. Rendon-  
12 Garcia capable of understanding the nature of these  
13 proceedings?

14 MR. VILLANUEVA: Yes, he is.

15 THE COURT: In your opinion, does Mr. Rendon-  
16 Garcia understand the rights he'll be waiving if goes  
17 ahead with his guilty plea?

18 MR. VILLANUEVA: Yes, he does.

19 THE COURT: Do you have any doubt as to Mr.  
20 Rendon-Reyes -- Mr. Rendon-Garcia's competence to plead  
21 at this time?

22 MR. VILLANUEVA: None, whatsoever

23 THE COURT: Have you advised him of the  
24 possible sentencing consequences?

25 MR. VILLANUEVA: I have.

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1 THE COURT: Have you discussed with him the  
2 operation of the sentencing guidelines?

3 MR. VILLANUEVA: I have.

4 THE COURT: Have you discussed with him the  
5 mandatory minimum applicable in his case?

6 MR. VILLANUEVA: I have.

7 THE COURT: Okay. Do you believe he  
8 understands everything that you discussed in that regard?

9 MR. VILLANUEVA: Yes, I do.

10 THE COURT: All right. Mr. Rendon-Garcia, have  
11 you had a sufficient opportunity to discuss your case  
12 with your attorney?

13 THE DEFENDANT: Yes.

14 THE COURT: And have you done so with the  
15 assistance of a Spanish language interpreter?

16 THE DEFENDANT: Yes.

17 THE COURT: Are you fully satisfied with the  
18 representation and legal advice given to you in this case  
19 by your attorney?

20 THE DEFENDANT: Yes.

21 THE COURT: Have you received a copy of this  
22 document, it's called the "superseding indictment."  
23 It's the government's charges against you and your  
24 co-defendants?

25 THE DEFENDANT: Yes.

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1 THE COURT: Did you -- well, let me ask, I'm  
2 sorry. Was the superseding indictment translated for you  
3 from English to Spanish?

4 THE DEFENDANT: Yes.

5 THE COURT: And did you review the superseding  
6 indictment with your attorney?

7 THE DEFENDANT: Yes.

8 THE COURT: Did you specifically review Counts  
9 1, the less -- as well as Count 11 of the superseding  
10 indictment?

11 THE DEFENDANT: Yes.

12 THE COURT: Did you also review Racketeering  
13 Act 5(a) and Racketeering Act 10(a)?

14 THE DEFENDANT: Yes.

15 THE COURT: Did you also review Count 21?

16 THE DEFENDANT: Yes.

17 THE COURT: And did you discuss all of those  
18 counts in the racketeering acts with your lawyer?

19 THE DEFENDANT: Yes.

20 THE COURT: And do you understand those counts  
21 and those racketeering acts?

22 THE DEFENDANT: Yes.

23 THE COURT: And counsel, do you want me to read  
24 either the superseding indictment or the relevant charges  
25 to your client?

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1 MR. VILLANUEVA: That's not necessary, your  
2 Honor.

3 THE COURT: All right.

4 Mr. Rendon-Garcia, I'm now going to explain to  
5 you review some of your rights in this criminal  
6 proceeding.

7 The first and most important thing you should  
8 understand is that you don't have to plead guilty even if  
9 you are guilty. Under the American legal system, the  
10 government or the prosecution has the burden of proving  
11 the guilt of a defendant beyond a reasonable doubt. If  
12 the government cannot or does not meet its burden of  
13 proof, the jury at the trial, has the duty to find the  
14 defendant not guilty, even if the defendant is guilty.  
15 Do you understand?

16 THE DEFENDANT: Yes.

17 THE COURT: So for you, that means you have a  
18 choice. It's up to you to decide what to do in your  
19 case. It's not your lawyer's choice or anyone else's  
20 choice. You can withdraw your previously entered plea of  
21 not guilty, and instead plead guilty, as I'm told you  
22 wish to do, or you can choose to go to trial simply  
23 persisting in your plea of not guilty. If you do that --  
24 so if you do that, you'll make the government meet its  
25 burden of proving your guilt beyond a reasonable doubt.

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1 So you should know that it has sometimes happened in  
2 American courtrooms, including in this courthouse, that a  
3 jury has returned a verdict of not guilty, although  
4 everyone else in the courtroom believed the defendant was  
5 guilty. What the jury was saying in that instance, was  
6 not that the defendant wasn't guilty, but rather that the  
7 government or the prosecution had failed to meet its  
8 burden of proving the defendant's guilt beyond a  
9 reasonable doubt. Do you understand?

10 THE DEFENDANT: Yes.

11 THE COURT: So what that means for you is, you  
12 have a choice, you can say to the government, prove the  
13 case against me. If you'd like to do that, when I ask  
14 you how you plead, you simply say not guilty. If you  
15 persist in your plea of not guilty, under the  
16 Constitution and Laws of the United States of America,  
17 you are entitled to a speedy and public trial by a jury,  
18 with the assistance of your attorney, on the charges  
19 contained in the indictment, which has been filed with  
20 the court.

21 That's the document I'm holding up, is the  
22 indictment, the one we just talked about earlier, with  
23 the charges against you and your co-defendants. Do you  
24 understand?

25 THE DEFENDANT: Yes.



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1           THE COURT: At a trial in your case, you would  
2 be presumed innocent, you would not have to prove your  
3 innocence; it would be the government's burden to  
4 overcome the presumption of innocence and prove you  
5 guilty by competent evidence and beyond a reasonable  
6 doubt. And as I said earlier, if the government failed  
7 and didn't meet its burden, the jurors would have the  
8 obligation to find you not guilty. Do you understand?

9           THE DEFENDANT: Yes.

10          THE COURT: If you decide to go ahead with your  
11 guilty plea, you're giving up the right to have the  
12 government satisfy its burden of proving you guilty  
13 beyond a reasonable doubt. And instead, you're admitting  
14 your guilt. Do you understand?

15          THE DEFENDANT: Yes.

16          THE COURT: At a trial in your case, witnesses  
17 for the government would have to come to court; they  
18 would have to testify in your presence. Your lawyer  
19 would be able or would have the right to cross-examine  
20 those witnesses for the government, your lawyer could  
21 object to evidence offered by the government and your  
22 lawyer could offer witnesses and other evidence on your  
23 behalf. Your lawyer -- your lawyer would also have the  
24 right to subpoena or to compel witnesses to come to court  
25 and testify. Do you understand all those rights?

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1 THE DEFENDANT: Yes.

2 THE COURT: By pleading guilty, and if you --  
3 and if I recommend that the district judge accept your  
4 plea and that's what Judge Korman does, you are giving up  
5 these rights. You are giving up your right to have a  
6 trial, you are giving up your right to confront the  
7 witnesses who would testify against you. You are giving  
8 up your right to offer evidence on your own behalf, you  
9 are giving up your right to compel witnesses to come to  
10 court and testify, and you're giving up your right to  
11 raise any defenses that you may have. Do you understand?

12 THE DEFENDANT: Yes.

13 THE COURT: At a trial in your case, you would  
14 have the right to testify on your own behalf, if you  
15 chose to do so, but you could not be required to testify.  
16 Under the Constitution of the United States, a defendant  
17 in a criminal case cannot be forced to take the stand at  
18 his own trial, and say anything that could be used  
19 against him to show he is guilty of the crime or crimes  
20 with which he is charged. So if you decided not to  
21 testify at your trial, the judge would tell the jury that  
22 they could not hold that fact against you. This is  
23 called "your right against self-incrimination." Do you  
24 understand?

25 THE DEFENDANT: Yes.

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1 THE COURT: If you go ahead with your guilty  
2 plea, you will be admitting your guilt, and giving up  
3 this right against self-incrimination. Do you  
4 understand?

5 THE DEFENDANT: Yes.

6 THE COURT: If you plead guilty, I'm going to  
7 ask -- have to ask you questions about what you did in  
8 order to assure myself and, in turn, the district judge,  
9 that you are, in fact, guilty of the charges to which you  
10 are pleading guilty. You're going to have to answers  
11 those questions truthfully and acknowledge your guilt.  
12 And I'll remind you that you took an oath earlier to  
13 answer my questions truthfully. Do you understand?

14 THE DEFENDANT: Yes.

15 THE COURT: Okay. So it's not going to be  
16 enough for you simply to say that you're guilty; you are  
17 going to have to tell me what it is that you did, such,  
18 that you are, in fact, guilty of the particular charges  
19 to which you are pleading guilty. Do you understand?

20 THE DEFENDANT: Yes.

21 THE COURT: If you plead guilty, and I  
22 recommend that the district judge accept your plea, and  
23 that's what Judge Korman does, you are giving up these  
24 rights. You are giving up your constitutional right to a  
25 trial, and all of the other rights that I just discussed.

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1 There won't be a trial of any kind in your case. If the  
2 district judge accepts your plea, he will simply enter a  
3 judgement of guilty based on your guilty plea. Do you  
4 understand?

5 THE DEFENDANT: Yes.

6 THE COURT: All right. Usually, after you are  
7 sentenced, if you or your attorney thinks the judge has  
8 not properly followed the law in sentencing you, you can  
9 appeal your sentence to a higher court. By pleading  
10 guilty, though, you will not, except under very limited  
11 circumstances, be able to challenge your judgement of  
12 conviction by appeal or by collateral attack.

13 THE DEFENDANT: Yes.

14 THE COURT: All right. I'm going to go over  
15 your plea agreement in detail in a few minutes, but I  
16 want to draw your attention to paragraph 4, which is on  
17 page 6, which includes the following provision.

18 "The defendant agrees not to file an appeal or  
19 otherwise challenge by petition, pursuant to 28 United  
20 States Code, Section 2255 or any other provision, the  
21 conviction or sentence, in the event that the Court  
22 imposes a term of imprisonment of 293 months." Isn't  
23 there -- I'm sorry, I'm going to ask counsel shouldn't it  
24 really say "or less?"

25 MS. MERKL: Yes. Yes.

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1 THE COURT: All right. Sorry, I just need to  
2 make an amendment to the agreement.

3 I just want to give counsel an opportunity to  
4 confer.

5 All right, so you agree that's -- that's what  
6 should say?

7 MR. VILLANUEVA: Yes, I do, your Honor.

8 THE COURT: All right. So here's the original.

9 All right. Ms. Lee, if you could make the  
10 correction, initial it, or Ms. Merkl, whoever wants to do  
11 it and then give it to defendant's counsel, ask you and  
12 you client to initial and give you an opportunity to  
13 explain it to your client.

14 MR. VILLANUEVA: Thank you.

15 THE COURT: All right. I'm going to go over  
16 the initials in a little bit. But just to go back to the  
17 point that I was making, usually can appeal your sentence  
18 but your agreement with the government limits your right  
19 to appeal directly or indirectly, if the judge gives you  
20 sentence or a term of imprisonment of 293 months or less.  
21 Do you understand that limitation?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. So are you willing to give  
24 up your right to a trial and all of the other rights that  
25 I've just gone discussed?

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1 THE DEFENDANT: Yes.

2 THE COURT: Okay. All right.

3 Now we're going to talk about the plea  
4 agreement in some detail.

5 As I mentioned earlier, the plea agreement is  
6 marked Government Exhibit 8. Mr. Villanueva, were all  
7 formal plea agreements -- I'm sorry, all formal offers by  
8 the government conveyed to Mr. Rendon-Garcia?

9 MR. VILLANUEVA: They were, your Honor.

10 THE COURT: Okay. So I have this document, the  
11 plea agreement, Mr. Rendon-Garcia, was it translated for  
12 you from English to Spanish?

13 THE DEFENDANT: Yes.

14 THE COURT: All right. Before we go over the  
15 document in particular, Mr. Villanueva, do you know who  
16 translated it?

17 MR. VILLANUEVA: I do. I have a signed copy of  
18 the copy. It was translated by interpreter Jan Calloway.  
19 (ph) Jan, last name is Calloway.

20 THE COURT: So that's a copy -- who has the  
21 original with Calloway's signature on it?

22 MR. VILLANUEVA: The -- that's done at the  
23 facility between my client, myself and the interpreter.

24 And that's just in a --

25 MS. LEE: Your Honor --

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1 MR. VILLANUEVA: It's a copy.

2 MS. LEE: Your Honor, generally what we've been  
3 doing which is the practice of our office is just, we  
4 print it on there, so it's noted who the person was --

5 THE COURT: Okay.

6 MS. LEE: -- but it's not necessary for them to  
7 have an original signature.

8 THE COURT: Okay.

9 MR. VILLANUEVA: But I do have an original  
10 signature on a copy.

11 THE COURT: Okay. So why don't we incorporate  
12 then reference a copy of that page in this agreement.

13 So if you want to provide it -- at the end of  
14 this, I'm going to give the original document to the  
15 government so you can get that page to the government  
16 just because the copy I has -- I have had nothing written  
17 on it. And were you going to give me the page, okay.

18 All right. So, Mr. Rendon-Garcia, I'm going to  
19 read from the middle of the last page of the plea  
20 agreement.

21 It says, "I have read the entire agreement and  
22 discussed it with my attorney. I understand all of its  
23 terms and I'm entering into it knowingly and  
24 voluntarily."

25 Is that a correct statement?

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1 THE DEFENDANT: Yes.

2 THE COURT: I'm going to hold up the copy I  
3 have and point at the signature right below what I just  
4 read. Is that your signature?

5 THE DEFENDANT: Yes.

6 THE COURT: And then below that, Mr.  
7 Villanueva, is that your signature?

8 MR. VILLANUEVA: Yes, it is, your Honor.

9 THE COURT: And then you had given me the other  
10 form, it's Jan Calloway, that's the translator, is that  
11 correct?

12 MR. VILLANUEVA: Yes, correct.

13 THE COURT: All right. And then for the  
14 government, Ms. Lee, is the first signature appears, that  
15 your signature?

16 MS. LEE: It is, your Honor.

17 THE COURT: And, Ms. Merkl, is that your  
18 signature below?

19 MS. MERKL: It is, Judge.

20 THE COURT: Okay. Thanks.

21 All right, Mr. Rendon-Reyes, Have you read the  
22 entire plea agreement or was it read to you in Spanish?

23 THE DEFENDANT: Yes.

24 THE COURT: All right. So I asked a compound  
25 question. Was it read to you in Spanish?



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1 THE DEFENDANT: Yes.

2 THE COURT: And was it read to you by a Spanish  
3 language interpreter?

4 THE DEFENDANT: Yes.

5 THE COURT: Did you go over the plea agreement  
6 which is Government Exhibit 8 with your attorney?

7 THE DEFENDANT: Yes.

8 THE COURT: All right. In going over the  
9 agreement with your attorney, did you have the assistance  
10 of a Spanish language interpreter?

11 THE DEFENDANT: Yes.

12 THE COURT: Do you understand all of the terms  
13 of the plea agreement?

14 THE DEFENDANT: Yes.

15 THE COURT: Does the written plea agreement,  
16 Government Exhibit 8, accurately represent the entire  
17 understanding or agreement that you have with the  
18 government?

19 THE DEFENDANT: Yes.

20 THE COURT: Has anyone made any promise or  
21 assurance to you that is not included in the plea  
22 agreement in order to persuade you to accept the plea  
23 agreement?

24 THE DEFENDANT: No.

25 THE COURT: Has anyone threatened you in any

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1 way to persuade you to accept the plea agreement?

2 THE DEFENDANT: No.

3 THE COURT: All right.

4 Mr. Villanueva, have you read and reviewed with  
5 your client the entire written plea agreement?

6 MR. VILLANUEVA: I have, yes.

7 THE COURT: And did you do so with the  
8 assistance of a Spanish language interpreter?

9 MR. VILLANUEVA: I have. I did, yes.

10 THE COURT: And does Government Exhibit 8 of  
11 the plea agreement reflect your understanding of the  
12 entire agreement that your client entered into with the  
13 government?

14 MR. VILLANUEVA: Yes, it does.

15 THE COURT: All right.

16 Mr. Rendon-Garcia, do you understand that if  
17 you fail to fully comply with your agreement with the  
18 government, the government will be released from its  
19 obligation, but you will not be released from your guilty  
20 plea?

21 THE DEFENDANT: What was that?

22 THE COURT: So what's proposed is that you're  
23 going to plead guilty, and you're doing it subject to an  
24 agreement that you have with the government. If you  
25 break the agreement or violate the agreement, the

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1 government doesn't have to comply with the agreement.  
2 They're released from their obligations. But your guilty  
3 plea will still stand? Do you understand?

4 THE DEFENDANT: Yes.

5 THE COURT: Okay. All right. We're going to go  
6 over the sentencing scheme applicable in your case. This  
7 is outlined in paragraph 1 of the plea agreement.

8 What's been proposed is that you're going to  
9 plead guilty to Counts 1 of the superseding indictment  
10 and to the lesser included offense of Count 11 of the  
11 superseding indictment.

12 All right. They charge you with violations of  
13 two federal statutes, which are listed there. 18 United  
14 States Code, Sections 1962(c) and 1591(a). It's also  
15 proposed that in your guilty plea, you are going to admit  
16 as to racketeering acts, your participation in the sex  
17 trafficking of a minor, who is referred to as Jane Doe  
18 No. 3, and she's described in Racketeering Act 5(a) and  
19 11 -- Count 11, as well as sex trafficking of Jane Doe  
20 No. 8, who is described in Racketeering Act 10(a) and  
21 Count 21 of the superseding indictment. And again, just  
22 to remind you, I'm holding it up. That's the superseding  
23 indictment, is the document that describes the charges  
24 against you and your co-defendant.

25 So the possible sentencing consequences are as

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1 follows: Under Count 1, the maximum term of imprisonment  
2 is life in prison, the minimum term of imprisonment is  
3 zero years. Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: The maximum supervised release term  
6 is five years, it would follow any term of imprisonment.  
7 If a condition of release were violated, you may then be  
8 sentenced for up to five years, and you would not receive  
9 credit for pre-release imprisonment or time previously  
10 served on post-release supervision.

11 If you are placed on supervised release, there  
12 may be many restrictions on your liberty. They might  
13 include travel limitations, requirements that you report  
14 to a probation officer and other limitations.

15 Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: The maximum fine that can be  
18 imposed is the greater of \$250,000 or twice the gross  
19 gain or twice the gross loss. Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: Restitution is mandatory in the  
22 full amount of each victim's losses as determined by the  
23 court. And you must be charged \$100 special assessment.

24 Do you understand those provisions?

25 THE DEFENDANT: Yes.

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1 THE COURT: Other penalties include the  
2 following.

3 All right. Let ask the government first. Was  
4 Mr. Rendon-Garcia extradited to the United States?

5 MS. MERKL: Yes.

6 THE COURT: All right. So what I'm going to  
7 describe now are immigration consequences that may apply  
8 to you.

9 So paragraph 8 outlines those consequences. To  
10 the extent you are in the United States, and that's your  
11 immigration status and you're not a citizen of the United  
12 States, pleading guilty may have consequences with regard  
13 to your immigration status in the United States. A broad  
14 range of crimes are what are called "removable offenses,"  
15 including those to which it's proposed that you plead  
16 guilty.

17 For acts because it's proposed you're going to  
18 plead guilty, and if you do plead guilty to racketeering  
19 involving sex trafficking and interstate prostitution,  
20 your removal from the United States is presumptively  
21 mandatory. But you should know, removal and other  
22 immigration consequences are decided in a separate  
23 proceeding, not in this court. So nobody here, not your  
24 lawyer, not the government's lawyer, or the judge can  
25 tell you what the definite effect of the conviction will

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1 be on your immigration status.

2           What Paragraph 8 provides is that, nonetheless,  
3 you still want to go ahead with your guilty plea,  
4 regardless of any immigration consequences that may  
5 result, even if the consequence is your automatic removal  
6 from the United States. Is that correct?

7           THE DEFENDANT: Yes.

8           THE COURT: And you understand that your  
9 removal from the United States may occur after you served  
10 a term of imprisonment in the United States? Do you  
11 understand that?

12          THE DEFENDANT: Yes.

13          THE COURT: Other possible statutory sentencing  
14 consequences include, sex offender registration, pursuant  
15 to a particular federal act, "Sex Offender Registration  
16 Notification Act," which is 14 United States Code 16901  
17 and the following sections. And this is described in  
18 paragraph 11 of your plea agreement.

19          Okay. Have you reviewed paragraph 11?

20          THE DEFENDANT: Yes.

21          THE COURT: Was it translated for you from  
22 English to Spanish?

23          THE DEFENDANT: Yes.

24          THE COURT: Did you review it with your lawyer?

25          THE DEFENDANT: Yes.

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1 THE COURT: All right. And are you in  
2 agreement with paragraph 11?

3 THE DEFENDANT: Yes.

4 THE COURT: All right. Let me ask you the same  
5 questions about paragraph 8, which is the immigration  
6 paragraph.

7 Was it translated for you from English to  
8 Spanish?

9 THE DEFENDANT: Yes.

10 THE COURT: And do you understand it?

11 THE DEFENDANT: Yes.

12 THE COURT: Did you review it with your lawyer?

13 THE DEFENDANT: Yes.

14 THE COURT: And are you in agreement with that  
15 paragraph?

16 THE DEFENDANT: Yes.

17 THE COURT: All right.

18 Additional possible sentencing consequences  
19 include, criminal forfeiture which are described in  
20 paragraph 6 and 7 of the plea agreement. Were  
21 paragraphs 6 and 7 translated for you from English to  
22 Spanish?

23 THE DEFENDANT: Yes.

24 THE COURT: Okay. Do you understand those --  
25 that -- sorry, do you understand those paragraphs?

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1 THE DEFENDANT: Yes.

2 THE COURT: And are you in agreement with those  
3 paragraphs?

4 THE DEFENDANT: Yes.

5 THE COURT: And did you review them with your  
6 lawyer?

7 THE DEFENDANT: Yes.

8 THE COURT: All right. I'm going to hold up  
9 paragraph 6 in the plea agreement and show it to you.  
10 This is the paragraph that was updated with a change  
11 regarding your financial statement.

12 All right. Was this change, the one that's  
13 written in pen on this agreement translated for you from  
14 English to Spanish?

15 THE DEFENDANT: Yes.

16 THE COURT: And did you review it with your  
17 lawyer?

18 THE DEFENDANT: Yes.

19 THE COURT: All right. And -- okay, here, are  
20 those your initials? I'm pointing on the page.

21 THE DEFENDANT: Yes.

22 THE COURT: Okay. And let's see, below that,  
23 is that -- are those your initials?

24

25 MR. Villanueva: My initials are there --



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1 THE COURT: Counsel?

2 MR. VILLANUEVA: Yes.

3 THE COURT: And then for the government, Ms.  
4 Lee, are those your initials?

5 THE COURT: All right. Just to put it all  
6 together to make sure I covered this. Also there was a  
7 handwritten change on the agreement in paragraph 4. Mr.  
8 Rendon-Garcia, are these initials next to that change?

9 THE DEFENDANT: Yes.

10 THE COURT: And counsel?

11 MR. VILLANUEVA: Yes, your Honor.

12 THE COURT: And then Ms. Lee, for the  
13 government?

14 MS LEE: Yes.

15 THE COURT: Okay. Returning to the possible  
16 sentencing consequences.

17 It's also proposed that you're going to plead  
18 guilty to a lesser included offense of Count 11.

19 Let me just ask the government, what's included  
20 in here are the sentencing consequences for the lesser  
21 included offense, is that right?

22 MS. MERKL: Your Honor, the sentencing  
23 consequences listed for Count 11 are the lesser included,  
24 so it's a ten-year mandatory minimum.

25 THE COURT: Instead of the 15, the other said?

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1 MS. MERKL: Correct.

2 THE COURT: Okay. All right. I just wanted to  
3 confirm something.

4 All right. So, Mr. Rendon-Garcia, as I said,  
5 what's proposed is you're going to plead guilty to the  
6 lesser included offense of Count 11. So the maximum term  
7 of imprisonment in this term is life, the minium term of  
8 imprisonment is ten years. Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: Do you understand on this count,  
11 the judge has to sentence you to a term of at least ten  
12 years?

13 THE DEFENDANT: Yes.

14 THE COURT: All right. And did you review  
15 these provisions with your attorney?

16 THE DEFENDANT: Yes.

17 THE COURT: All right. And you understand this  
18 mandatory minimum provision?

19 THE DEFENDANT: Yes.

20 THE COURT: All right.

21 Additional possible sentencing consequences of  
22 Count 11 and the lesser included offense minimum  
23 supervised release term of five years. A maximum  
24 supervised release term of life; it would follow any term  
25 of imprisonment.

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1           If a condition of release is violated, you  
2 may be sentenced for up to life without credit for  
3 pre-release imprisonment or time previously served on  
4 post-released supervision.

5           THE DEFENDANT: Yes.

6           THE COURT: If you commit any criminal offense  
7 under particular federal laws, which are Chapter 109(a),  
8 110 or 117, or Title 18 United States Code, Section 1201  
9 or 1591 for which imprisonment for a term longer than one  
10 year can be imposed. You shall be sentenced to not less  
11 than five years and up to the maximum term of  
12 imprisonment for the offense which is set forth above in  
13 paragraph 1(a) and which is life.

14           As I've described earlier, if you are on  
15 supervised release there may be many restrictions placed  
16 on your liberty. Do you understand this possible  
17 sentencing consequence?

18           THE DEFENDANT: Yes.

19           THE COURT: Okay. You may also have the  
20 maximum -- I'm sorry, let me say that again. The maximum  
21 fine is the greater of \$250,000 or twice the gross gain  
22 or twice the gross loss.

23           Restitution is mandatory in the full amount of  
24 each victim's losses as determined by the court. And  
25 you'd have to be charged \$100 special assessment.

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1 Other penalties for this count include removal  
2 from the United States as described in paragraph 8 and  
3 then -- which we discussed earlier. Do you understand  
4 the removal provision?

5 THE DEFENDANT: Yes.

6 THE COURT: You still want to go ahead with the  
7 plea for this count even though your automatic removal  
8 from the United States is likely?

9 THE DEFENDANT: Yes.

10 THE COURT: All right. And you understand that  
11 removal may happen after you've served a sentence in the  
12 United States?

13 THE DEFENDANT: Yes.

14 THE COURT: Additional penalties include  
15 sex offender registration which is described in paragraph  
16 11, and which we've discussed earlier. Do you understand  
17 this provision?

18 THE DEFENDANT: Yes.

19 THE COURT: And additionally, a penalty may  
20 include criminal forfeiture which is described in  
21 paragraphs 6 and 7. Do you understand that provision?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay.

24 Do you understand that the sentence for these  
25 two counts to which it's proposed that you may -- your

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1 going to plead guilty may run consecutively, or one after  
2 the other.

3 THE DEFENDANT: Yes.

4 THE COURT: All right. I'm just going to back  
5 over the second count. Do you understand that includes a  
6 mandatory minimum so the judge has to sentence you to at  
7 least 10 years in jail, or in prison?

8 THE DEFENDANT: Yes.

9 THE COURT: All right. Do you understand that  
10 parole has been abolished in the federal system? So that  
11 if you're sentenced to a prison term, you won't be  
12 released on parole, and you'll be required to spend the  
13 entire period of that term in prison?

14 THE DEFENDANT: Yes.

15 THE COURT: All right. Let me describe briefly  
16 the sentencing process.

17 The sentencing judge in your case will be Judge  
18 Korman as I mentioned, he does not have complete  
19 discretion to impose a sentence outside of the statutory  
20 minimum and maximum sentences set forth in the statute.  
21 Do you understand?

22 THE DEFENDANT: Yes.

23 THE COURT: As a first step in the sentencing  
24 process, the judge must first consider the advisory  
25 sentencing guidelines that have been issued by the United

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1 States Sentencing Commission. The judge will review  
2 them to help determine what's a reasonable sentence in a  
3 criminal case.

4 As a second step, the judge will consider  
5 whether there are any factors present that would allow  
6 the judge to depart from those advisory sentencing  
7 guidelines. Either upwardly or downwardly.

8 THE COURT: Additionally -

9 THE DEFENDANT: Yes.

10 THE COURT: -- the judge must consider certain  
11 factors that are outlined in a federal statute, that we  
12 refer to as 18 United States Code Section 3553a.

13 The judge considers those factors against the  
14 facts and circumstances of your case, and it may be that  
15 the judge decides to impose what is called a "non-  
16 guideline sentence."

17 The bottom line for you is until the date of  
18 sentencing, when the judge has read the transcript of  
19 today's proceeding, reviewed a pre-sentence report that  
20 will be prepared about you and hears from you, your  
21 lawyer, and the government you can't know with certainty  
22 what the sentencing guidelines will be for your case or  
23 whether there will be grounds to depart from them and  
24 whether the judge will impose a "non-guideline sentence."  
25 Do you understand that?

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1 THE DEFENDANT: Yes.

2 THE COURT: All right. Even though I'm talking  
3 about the guidelines and upward and downward departure,  
4 it's important for you to understand that a guilty plea  
5 to Count 11 includes the minimum term of imprisonment of  
6 10 years? Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: All right. Despite the uncertainty  
9 and that uncertainty may be because the lawyers are wrong  
10 about something, because the facts change between now and  
11 the time of sentencing or because they don't have certain  
12 information, I'm going to ask the lawyers, first the  
13 government and then your lawyer to let you know what  
14 their estimate of the sentencing guidelines will be in  
15 your case. You should keep in mind this is their best  
16 estimate and they could be wrong.

17 All right. For the government, either Ms.  
18 Merkl or Ms. Lee.

19 MS. MERKL: Your Honor, based on our current  
20 knowledge of the facts, the estimate as included in the  
21 plea agreement is that the defendants overall adjusted  
22 offense level is at a level 37, which carries a range of  
23 imprisonment of 210 to 262 months, assuming that the  
24 defendant falls within criminal history Category 1. I  
25 would note that that estimate is based on a two level

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1 reduction, for a global disposition of this case. And we  
2 are at a point where we believe that that global  
3 disposition is likely to be completed tomorrow but the  
4 estimate is dependant upon that global disposition.

5 THE COURT: All right. And just so the  
6 record's clear that's paragraph 10, has the global  
7 disposition provision which says "April 20th" but because  
8 of events as they transpired to date, the final plea if  
9 it goes ahead is going to happen tomorrow. Will the  
10 government -- is it the government's position that that  
11 provision of the agreement is satisfied, if that plea  
12 happens tomorrow?

13 MS. MERKL: Yes.

14 THE COURT: Okay.

15 So, Mr. Rendon-Garcia, did you understand what  
16 the government's lawyer said with regard to the estimate  
17 for the sentencing guidelines in your case?

18 THE DEFENDANT: Yes.

19 THE COURT: All right. And what the government  
20 said is outlined in the second paragraph of the plea  
21 agreement.

22 All right, and Mr. Villanueva, what's your  
23 estimate with regard to the sentencing guidelines in your  
24 client's case?

25 MR. VILLANUEVA: I believe the government's



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1 estimate is accurate, your Honor.

2 THE COURT: Okay.

3 Mr. Rendon-Garcia, do you understand what your  
4 attorney just said with regard to sentencing guidelines?

5 THE DEFENDANT: Yes.

6 THE COURT: All right. Do you understand that  
7 these estimates are not binding on the government,  
8 probation or the court?

9 THE DEFENDANT: Yes.

10 THE COURT: Do you understand that if their  
11 estimates there are wrong that will be not -- that will  
12 not be a basis for you to withdraw your plea of guilty?

13 THE DEFENDANT: Yes.

14 THE COURT: Do you understand that your  
15 ultimate sentence could turn out to be different from any  
16 estimate your attorney or the government has given you?

17 THE DEFENDANT: Yes.

18 THE COURT: And it could turn out that because  
19 of other statutory sentencing factors, the district judge  
20 may impose a sentence higher than the one called for by  
21 the advisory sentencing guidelines? If that turned out  
22 to be the case, you would not be permitted to withdraw  
23 your guilty plea, simply because no one could tell you in  
24 advance what your sentence will be? Do you understand  
25 that?

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1 THE DEFENDANT: Yes.

2 THE COURT: All right. So what's being  
3 proposed is that you plead guilty to counts that are  
4 felonies. If your plea is accepted and you're adjudged  
5 guilty of those felonies, to the extent you have certain  
6 rights in the United States, the adjudication of guilt  
7 with regard to those felonies may result in the  
8 deprivation of certain civil rights. Do you understand  
9 that?

10 THE DEFENDANT: Yes.

11 THE COURT: All right. I've gone over many of  
12 the possible sentencing con -- I'm sorry. I've gone over  
13 with you many of the possible consequences to you if your  
14 plea of guilty is accepted. Do you understand all of  
15 these consequences?

16 THE DEFENDANT: Yes.

17 THE COURT: Have you reviewed them with your  
18 attorney?

19 THE DEFENDANT: Yes.

20 THE COURT: Have you had a sufficient  
21 opportunity to consult with your attorney about them?

22 THE DEFENDANT: Yes.

23 THE COURT: All right. I'm going to go back to  
24 the plea agreement. Have you had the entire plea  
25 agreement read to you in Spanish?

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1 THE DEFENDANT: Yes.

2 THE COURT: And do you understand all of the  
3 provisions of this plea agreement?

4 THE DEFENDANT: Yes.

5 THE COURT: And did you have a sufficient  
6 opportunity to review the plea agreement with your  
7 attorney?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. All right. I'm going to  
10 switch to ask the lawyers some questions.

11 All right, so for the government, let me just  
12 clarify one thing.

13 So I have the statutes and essential elements  
14 that you provided. On page three, the essential  
15 elements of the lesser included offense for Count 11.  
16 That part is what applies here?

17 MS. LEE: That's correct.

18 THE COURT: Okay. All right. And Mr.  
19 Villanueva, you have a copy of the statutes and essential  
20 elements. Do you agree that the government's description  
21 of those is correct?

22 MR. VILLANUEVA: I do, your Honor.

23 THE COURT: Okay.

24 MS. MERKL: And just to be clear that's what  
25 applies for count 11, --

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1 THE COURT: Right.

2 MS MERKL: -- but the essential elements for  
3 sex trafficking still apply in term of the racketeering  
4 acts.

5 THE COURT: Okay. All right.

6 So with regard to the government's evidence  
7 what would the government offer at trial in order to show  
8 that the defendant is in fact, guilty, of the counts  
9 against him?

10 MS. LEE: The government would through witness  
11 testimony and documentary evidence, including but not  
12 limited to the testimony of many of the witnesses set  
13 forth in the superseding indictment, border crossing  
14 records, money remitter records, and wire tap records,  
15 established that in or about and between December 2004  
16 and November 2015 in Queens, New York, and elsewhere, the  
17 Rendon-Reyes trafficking organization was a criminal  
18 organization and that it was operating in Queens,  
19 Atlanta, Alabama, Mexico and other locations.

20 That members and associates of the Rendon-Reyes  
21 trafficking organization engaged in various forms of  
22 criminal activity, including, but not limited to, sex  
23 trafficking of women and minor girls, prostitution, alien  
24 smuggling, alien harboring and money laundering. That  
25 the enterprise trafficked women from Mexico into the

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1 United States and throughout the country, for the  
2 purposes of prostitution for their financial gain; and  
3 that the defendant was a member of the Rendon-Reyes  
4 trafficking organization, and has part of his membership,  
5 he, among other things committed the acts alleged in  
6 Racketeering Acts 5(a) and 10(a), which is the sex  
7 trafficking of minor Jane Doe No. 3 and sex trafficking  
8 of Jane Doe No. 8. With respect to Racketeering Act 5(a)  
9 in Count 11, the government would establish that in or  
10 about and between March 2006 and October 2006, the  
11 defendant, using force, fraud and coercion, caused Jane  
12 Doe No. 3, who was a minor at the time, to be brought  
13 from Mexico to the United States for the purposes of  
14 prostitution.

15 And with respect to Racketeering Act 10(a), the  
16 government would establish that in or about April 2009  
17 and January 2014, the defendant knowing that force, fraud  
18 and coercion had been used, caused Jane Doe No. 8 to be  
19 brought from Mexico to the United States for the purposes  
20 of prostitution.

21 THE COURT: All right. Mr. Villanueva, do you  
22 agree the government would be able to prove the  
23 defendant's guilt at trial based on the evidence just  
24 described by the government?

25 MR. VILLANUEVA: I do, your Honor.

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1 THE COURT: Do you know of any reason why Mr.  
2 Rendon-Rey -- Rendon-Garcia, should not plead guilty at  
3 this time?

4 MR. VILLANUEVA: I do not.

5 THE COURT: Are you aware of any viable legal  
6 defenses to the charges against him?

7 MR. VILLANUEVA: No, your Honor.

8 THE COURT: In your professional opinion, is  
9 this plea in your client's best interest?

10 MR. VILLANUEVA: It is.

11 THE COURT: All right. Mr. Rendon-Garcia, are  
12 you ready to plead?

13 THE DEFENDANT: Yes.

14 THE COURT: Would you like an opportunity to  
15 speak with Mr. Villanueva before you do?

16 THE DEFENDANT: No, it's okay.

17 THE COURT: Okay.

18 With regard to Count 1 of the superseding  
19 indictment how do you plead guilty or not guilty?

20 THE DEFENDANT: Guilty.

21 THE COURT: And with regard to the lesser  
22 included offense of Count 11 of the superseding  
23 indictment, how do you plead, guilty or not guilty?

24 THE DEFENDANT: Guilty.

25 THE COURT: All right. As I mentioned earlier,

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1 you're going to have to tell me what it is that you did,  
2 such that you are, in fact, guilty of those two counts.

3 So in your own words, please tell me what you  
4 did.

5 THE DEFENDANT: Okay.

6 THE COURT: All right.

7 THE DEFENDANT: From December 2004 to November  
8 2015, I was member of a family organization. And -- and  
9 um, with -- in which I helped to bring women to the  
10 United States illegally, including to the Eastern  
11 District of New York and other places. I also helped to  
12 transport those women from one state to another so that  
13 the organization could earn money by prostituting them.  
14 Including Jane No. 3, Jane No. 8, to prostitution with  
15 false promises, even though they did not want to do it.

16 Jane No. 3 was under the eighteen years of age  
17 at that time. These women were -- did prostitution more  
18 than once, and I benefitted financially. This happened  
19 in Queens and Georgia.

20 THE COURT: When you mention the family  
21 organization, is it the Rendon-Reyes family that's  
22 mentioned and discussed in the indictment?

23 THE DEFENDANT: Yes.

24 THE COURT: All right. Mr. Villanueva, do you  
25 want your client to add anything else?

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1 MR. VILLANUEVA: No, your Honor.

2 THE COURT: And for the government, is that a  
3 satisfactory allocution?

4 MS. LEE: Your Honor, I believe it is a  
5 satisfactory allocution and I think that the defendant  
6 said this but just because of the way the interpreter  
7 translated it to make sure the record is clear, that he  
8 stated that the Jane Doe No. 3 was under the age of  
9 eighteen at the time that she was brought.

10 THE COURT: Okay. Is that correct?

11 MS. LEE: Just the way it was actually  
12 translated, I think the record might be a little unclear.

13 THE COURT: Okay. With regard to Jane Doe No.  
14 3, was she under eighteen years old?

15 THE DEFENDANT: Yes.

16 THE COURT: All right. Is there any another  
17 clarification needed?

18 MS LEE: No, thank you.

19 THE COURT: All right. So, Mr. Rendon-Garcia,  
20 are you pleading guilty to these two counts of the  
21 superseding indictment voluntarily and of your own free  
22 will?

23 THE DEFENDANT: Yes.

24 THE COURT: Has anyone threatened or forced you  
25 to plead guilty?



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1 THE DEFENDANT: No.

2 THE COURT: Other than the promises that are  
3 contained in the written plea agreement, which is  
4 government Exhibit 8 that you entered into with the  
5 government, has anyone made any other promises to you to  
6 get you to plead guilty?

7 THE DEFENDANT: No.

8 THE COURT: Has anyone made any promise to you  
9 as to what your final sentence will be?

10 THE DEFENDANT: No.

11 THE COURT: Are you pleading guilty of your own  
12 free will to these two counts because, you are, in fact,  
13 guilty?

14 THE DEFENDANT: Yes.

15 THE COURT: All right.

16 Based on what's been said here today by counsel  
17 and by Mr. Rendon-Garcia, I believe that the defendant is  
18 fully competent and capable of entering an informed plea,  
19 that he's acting voluntarily, that he's aware of the  
20 nature of the charges against him, that he understands  
21 his rights, that he understands the consequences of his  
22 plea and that there's a factual basis for the plea  
23 supported by an independent basis in fact, as to each of  
24 the essential elements of the two offenses which are  
25 Count 1 and the lesser included offense of Count 11 of

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1 the superseding indictment.

2 So I therefore resentfully recommend that Judge  
3 Korman accept the guilty plea to Counts 1 and the lesser  
4 included offense of Count 11.

5 All right. As I mentioned earlier, there's  
6 going to be a pre-sentence report prepared about you, Mr.  
7 Rendon-Garcia, and I would like to know if your attorney  
8 would like to participate in the interview.

9 MR. VILLANUEVA: I would, your Honor, yes.

10 THE COURT: All right. We'll let probation  
11 know. I'm going to return to the government, the  
12 original plea agreement, which is marked as Government  
13 Exhibit 8, it includes that original signature page from  
14 the translator, am I correct in assuming that the  
15 defendant's going to remain in custody?

16 MR. VILLANUEVA: That's correct.

17 THE COURT: There's no bail application?

18 MR. VILLANUEVA: No, your Honor.

19 THE COURT: Are there any medical conditions  
20 that need attention?

21 MR. VILLANUEVA: One minute.

22 THE COURT: Sure.

23 MR. VILLANUEVA: Yes, your Honor. My client  
24 has complained to me that he's having some issues  
25 regarding his blood pressure and other related issues and

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1 he's asked to be treated at the facility and that has not  
2 happened yet.

3 THE COURT: Okay. So let me ask a few  
4 questions for the record.

5 Can you ask your client what those other  
6 medical conditions are?

7 MR. VILLANUEVA: Sure. Thank you for the time,  
8 your Honor.

9 My client indicates that he's having trouble  
10 breathing. His heart rate increases during that period  
11 of time.

12 THE COURT: Is it asthma or something  
13 different?

14 MR. VILLANUEVA: It's not described as asthma,  
15 no, your Honor.

16 THE COURT: All right. Let me ask your client  
17 some questions.

18 MR. VILLANUEVA: Sure.

19 THE COURT: So what we've heard is you have  
20 some concerns about high blood pressure, a fast heart  
21 rate and associated breathing difficulties, Is that  
22 right?

23 THE DEFENDANT: Yes.

24 THE COURT: And is it right those are currently  
25 not being treat4ed at the detention facility?

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1 THE DEFENDANT: Well, when I arrived yesterday  
2 they give me a check-up, but right at the moment I'm not  
3 receiving any treatment.

4 THE COURT: Okay. Is there anything about  
5 those medical conditions that interfered with your  
6 ability to understand what happened here today?

7 THE DEFENDANT: Can you explain that to me  
8 again please?

9 THE COURT: Okay. So you described three  
10 medical conditions, high blood pressure, rapid heart rate  
11 and with the rapid heart rate some difficulty breathing.  
12 And you said you're not currently receiving treatment.

13 I want to know if there's anything about that  
14 that interfered with your ability to understand what  
15 happened here in court today.

16 THE DEFENDANT: No.

17 THE COURT: All right. Is there anything about  
18 those three conditions that interfered with your ability  
19 to prepare for today's proceeding with your attorney?

20 THE DEFENDANT: No.

21 THE COURT: Okay. All right.

22 Counsel, is there anything else about that that  
23 you need -- that you think needs to be on the record?

24 MR. VILLANUEVA: No, your Honor. Thank you.

25 THE COURT: The government?

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1 MS MERKL: Your Honor, I would just  
2 respectfully request that you inquire with Mr. Villanueva  
3 whether or not in his experience with this defendant, he  
4 has experienced any difficulties communicating with his  
5 client as a result of these medical conditions or whether  
6 the defendant has exhibited any lack of understanding in  
7 his meetings?

8 THE COURT: All right. Mr. Villanueva, you  
9 just heard the question --

10 MR. VILLANUEVA: Yes, your Honor.

11 THE COURT: -- proposed by Ms. Merkl --

12 MR. VILLANUEVA: I have, I have no trouble  
13 communicating with my client as a result of any medical  
14 issue. He had complained to me recently of this issue  
15 and I accepted the court's invitation to hopefully get  
16 him more prompt medical attention and the MDC.

17 THE COURT: Okay. All right.

18 So high blood pressure, rapid heart rate and  
19 associated difficulty breathing. So we'll put a medical  
20 memorandum in. Is there any active condition right now  
21 that he needs attention for today?

22 Are you feeling okay?

23 MR. VILLANUEVA: Yes, he's feeling - he's okay  
24 today. Thank you, your Honor.

25 THE COURT: All right. Let me just ask you

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1 directly.

2 Mr. Rendon-Reyes, are you feeling fine today?

3 THE DEFENDANT: Yes.

4 THE COURT: All right. So, we'll put the  
5 medical memo in about that.

6 Anything other issue we should go over today  
7 with regard to Mr. Rendon-Garica?

8 MR. VILLANUEVA: No, not from us, your Honor.  
9 Thank you.

10 MS LEE: Not for the government, your Honor.

11 THE COURT: All right. So the last of these  
12 series of pleas is scheduled for tomorrow at 1:00 p.m.

13 All right?

14 MS MERKL: Thank you, Judge.

15 THE COURT: Thanks. Take Care. Have a good  
16 night.

17 MR. VILLANUEVA: Thank you.

18 MS MERKL: Have a good night.

19 MR. VILLANUEVA: Have a good night.

20 (Matter concluded as of this date)

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C E R T I F I C A T E

I, ROSALIE LOMBARDI, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 21st day of May, 2017.

  
Rosalie Lombardi  
Transcription Plus II